



**STATE OF ARKANSAS
TOWING & RECOVERY BOARD
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Tommy Brown,
Citizen Representative
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MINUTES

September 29, 2009

The Arkansas Towing & Recovery Board convened on Tuesday, September 29, 2009 at 9:33 a.m. in the 2nd floor conference room of the Attorney General's Office at 323 Center Street, Little Rock, Arkansas. Chairperson Glenna Butler called the meeting to order with roll call. Chairperson Glenna Butler, Vice-Chairperson Wayne Edwards, and Members: E. L. Jacobs, Charles Bokker, Jr., Ronnie Walker, Avon Phillips Jr., Mary Thoma, and Tommy Brown, were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, and Board Consultant B.G. Hendrix, were also, present. Treasurer Noel Foster, scheduling conflict, and Board Investigator Gary Ashcraft, family matter, were not present.

Director Lauen announced the Board would be getting new legal counsel, former legal counsel, Assistant Attorney General Don Barnes had retired on September 21, 2009. The new legal counsel would be Assistant Attorney general Meredith Rebsimen.

Chairperson Glenna Butler confirmed members had received the Minutes from the August 25, 2009, meeting with a Motion by Brown and a 2nd by Edwards, the Board voted 8-0-1 to accept the Minutes as written.

Director Lauen reported expenditures of \$ 2,490.16 and revenues of \$ 5,946.00 for a checkbook balance as of September 29, 2009 of \$ 108,115.00. (Note: Copy Treasurers' Reports are filed with these Minutes).

Chairperson Glenna Butler welcomed guests.

Disciplinary Hearings

1. Complaint No. 09-03-110 – Troy Mullins: found in violation of A.C.A 27-50-1201 and Board Rules 6.1, 6.2 and 8.6; Fine \$ 1500.00.
2. Complaint No. 09-04-127 – Action Auto Towing & Recovery, Inc.: Found in violation of A.C.A 27-50-1208 and Board Rule 9.; Fined \$ 500.00.
3. Complaint No. 09-06-151 – Randall and Jennifer Wilson DBA Wilsons Towing & Recovery: Continued.

Meeting reconvened 11:25 a.m.

On-Going Business

1. **Progress Report:** Clerical Assistant Staggs reported as of September 28, 2009: 35 non-consent safety licenses; 42 new, 29 1st renewal, and 32 2nd renewal non-consent permits; 18 consent safety licenses, 11 new, 08 1st renewal, 06 2nd renewal and 01 Trailer consent permits were issued, 17 walk-

in applications, 07 applications with deficiencies, and 28 unprocessed applications. (Note copy of Clerical Report is filed with these Minutes).

2. **Complaints Report:** Board Investigator Ashcraft reported as of September 28, 2009: 29 telephone complaints, 14 written complaints, and 00 Notices of Non-renewal were sent. An estimated 70 pending complaint investigations, 04 pending complaint hearings, and 09 closed complaints. 00 Offer of Settlements were sent. The complaints were broken down into itemized categories on the report. (Note: copy of Complaint Report is filed with these minutes)
3. **Administrative Appeals:** Director Lauen reported on 3 complaints on appeal:
 - A. **Complaint No. 06-12-158** Asher Wrecker Service, Inc.: Issue with the record and waiting on briefing.
 - B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of Conway, Inc.: Waiting for declaratory judgments. Appeals are still pending.
 - C. **Complaint No. 08-06-150** – Gene Zajac DBA Blue Hill Wrecker Service: Record has been filed waiting on a briefing date.
 - D. **Complaint No. 09-01-093 and 2009-09-045:** Glover's Transmission and Rear End, Inc; Appeal has been filed and in process of filing record.

Old Business

1. **Arkansas State Police:** No report made.
2. **Law Enforcement Conferences:** Member Foster open discussion of having some office staff attend the law enforcement conferences as a vender to help inform agencies about towing laws and helping get information to these agencies. After some discussion, the Board requested research to see what would be necessary for staff to attend conferences.
3. **Public Service Advertisements:** Vice-Chairperson Edwards opened discussion for the possibility of publishing public service ads to better inform the public of their rights concerning a non-consent tow and how to go about filing a complaint, if they have one. Item to be placed on next agenda for future discussion.

New Business

1. **Next Meetings:** October 27, 2009, 2nd floor conference room, Tower Building, 323 Center, Little Rock, Arkansas.

Meeting adjourned 12:07 p.m.

Signed _____
Glenna Butler, Chairperson or
Wayne Edwards, Vice-Chairperson

Attest _____
Cynthia Lauen, Director

Approved _____ (Date)